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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NML CAPITAL LTD.,

Plaintiff,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

CASE NO.: 2:14-cv-00492-RFB-VCf

**DECLARATION OF EMILY A. ELLIS IN
SUPPORT OF NML'S RESPONSE TO MF
NEVADA'S *EMERGENCY* MOTION TO
EXCLUDE NML CAPITAL LTD.'S
PROPOSED DEMONSTRATIVE
EXHIBITS AND TO ENFORCE
PROTECTIVE ORDER (DKT. #70), VDL'S
EMERGENCY MOTION TO EXCLUDE
NML CAPITAL LTD.'S PROPOSED
DEMONSTRATIVE EXHIBITS (DKT. #30),
AND MF NEVADA'S JOINDER THERETO
(DKT. #31)**

I, EMILY A. ELLIS, declare as follows:

1. I am an attorney at the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel for Plaintiff NML Capital, Ltd. ("NML") in this matter currently pending before the United States District Court, District of Nevada. I submit this affidavit in support of NML's "Response to MF Nevada's *Emergency* Motion to Exclude NML Capital Ltd.'s Proposed Demonstrative Exhibits and to Enforce Protective Order (Dkt. #70), VDL'S *Emergency* Motion to Exclude NML Capital Ltd.'s Proposed Demonstrative Exhibits (Dkt. #30), and MF Nevada's Joinder Thereto (Dkt. #31)". I have personal knowledge of the facts set forth herein, and if called upon to do so, am competent to testify thereto.

1 2. Mr. Woods voiced his objection to the Demonstrative Exhibits in an email to
2 Nikki L. Baker, Esq., and asserted that "the largest problem with these exhibits is that they quote
3 heavily from and cite to the deposition and other documents that were produced under our sealing
4 order." Ms. Baker addressed this issue, and assured counsel that, if the Court rules on the sealing
5 motions and maintains the sealed nature of the material, NML will not display slides containing
6 such material.

7 3. On December 11, 2014, the counsel for VDL and NML's counsel met and
8 conferred in an effort to address VDL's concerns and resolve the dispute. During the meet and
9 confer, Mr. Wiley expressed the following objections: that the Demonstrative Exhibits (1)
10 include additional arguments, (2) lack foundation (one example he provided was the expert
11 opinion), (3) were untimely provided to counsel, and (4) are inflammatory and it appears that
12 their only purpose is to inflame the press.

13 4. Mr. Wiley also represented that Mr. Woods' concerns were regarding the
14 Demonstrative Exhibits containing material previously designated confidential ("Confidential
15 Material"). Ms. Baker addressed concerns with the Confidential Material, and asserted that, if the
16 Court granted the pending motions regarding keeping the Confidential Material under seal, NML
17 would not display slides within the Demonstrative Exhibits that contained such material.

18 5. Ms. Baker and Mr. Wiley then discussed the slides within the Demonstrative
19 Exhibits that rely on NML's expert's opinion. Mr. Wiley explained that the expert was not
20 designated as such and that his client's position is that the opinions therein are incorrect.

21 6. In an effort to narrow the issues for the Parties and the Court, Ms. Baker inquired
22 as to whether Mr. Wiley could identify slides within the Demonstrative Exhibits that they did not
23 object to. Despite stating that there were slides that they did not object to, Mr. Wiley refused to
24 provide a list of the same to Ms. Baker.

25 7. In another attempt to narrow the dispute, Ms. Baker asked Mr. Wiley to identify
26 (i) specific pages and/or assertions that were purportedly inaccurate, (ii) assertions that were
27 purportedly not supported by the record, and (ii) arguments that were not previously made in
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1 NML's briefs filed with the Court. Mr. Wiley again refused to do so, and stated that he would
2 identify the same for the Court during the upcoming hearing.

3 8. At the conclusion of the meet and confer, Mr. Wiley represented that his client
4 would be filing an objection with the Court, and proposed that, in the alternative, if the
5 Demonstrative Exhibits were truly meant to assist the Court, then the Court should engage in an
6 *in camera* review of the documents. As the Parties were unable to resolve the objections to the
7 Demonstrative Exhibits, the meet and confer concluded.

8 9. In accordance with the Court's Order on the Parties' Stipulation, counsel for NML
9 and counsel for MF Nevada, MS. Amunategui and VDL (the "Objecting Parties") conducted a
10 meet and confer on February 23, 2015, regarding any remaining concerns with the Demonstrative
11 Exhibits. Unfortunately, the Parties could not reach an agreement with regard to all of the
12 objections to the Demonstrative Exhibits.

13 10. Despite having months to review the Demonstrative Exhibits, Mr. Wiley was still
14 unable to identify specific pages his client objected to and/or specific pages it had no objection to,
15 and voiced a generalized objection to "inflammatory" content in the Demonstrative Exhibits.

16 11. With regard to the Confidential Material, the Parties reached a compromise. Mr.
17 Woods represented that his client would be objecting to the Court's Unsealing Order, and, in an
18 effort to move the action along and not preclude the Court from conducting the hearing on the
19 pending substantive motions, NML agreed not to display slides during the hearing that contained
20 Confidential Material, but rather to provide the Court with hard copies of those slides. To address
21 Mr. Wiley's objection that the colors red and orange are inflammatory, NML also agreed to
22 replace those colors with green and yellow.

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1 12. Pursuant to Local Rule 26-7, after personal consultations with the Objecting
2 Parties' counsel and sincere efforts to do so, NML has been unable to resolve this matter without
3 Court intervention.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 DATED this 25th day of February, 2015.

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8 _____
9 EMILY A. ELLIS